

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAYLOR ANTHONY BEESON,

Defendant.

CR 16–04–M–DLC

ORDER

On November 2, 2021, this Court conducted a hearing on Defendant Taylor Anthony Beeson’s two outstanding motions (Docs. 60; 62). (Doc. 65.) The first motion seeks leave to proceed with the final revocation hearing pro se. (Doc. 60.) The second seeks the appointment of a designated representative to, along with the Court, “make judgment” at the final revocation hearing. (Doc. 62.) The Court will grant the first motion and deny the second motion.

As to the first motion, the Court engaged in a thorough discussion with Mr. Beeson on the record at the hearing, including a discussion of the allegations against him, the possible penalties he is facing, and the downsides of proceeding pro se. *See United States v. Hantzis*, 625 F.3d 575, 579–80 (9th Cir. 2010). Following this discussion, Mr. Beeson unequivocally indicated his desire to proceed in this matter pro se. The Court is satisfied that any waiver of Mr.

Beeson's right to counsel has been done knowingly, voluntarily, and intelligently. *See Edwards v. Arizona*, 451 U.S. 477, 482–83 (1981). Mr. Beeson shall be permitted to represent himself.

As to the second motion, Mr. Beeson argues that it is fundamentally unfair for the United States to both prosecute the currently pending revocation petition, and, if proven, ultimately pass judgment. The Court explained our constitutional system of government, including the separation of powers under which the three independent branches of government operate. This includes, of course, the legislative branch (*see* U.S. Const. art. I), the executive branch (*Id.* art. II), and the judicial branch (*Id.* art. III). *See also Bowsher v. Synar*, 478 U.S. 714, 721 (1986). As such, this Court, and any prosecuting agent of the United States, exercise power completely independent from one another, with the judiciary more than anything else “remain[ing] truly distinct from both the legislature and the executive.” *Stern v. Marshall*, 564 U.S. 462, 482–83 (2011). Consequently, this motion will be denied.

Accordingly, IT IS ORDERED that Mr. Beeson's motion to proceed pro se (Doc. 60) is GRANTED. Counsel Erik R. Henkel shall be permitted to withdraw as counsel of record in the above-captioned matter and is relieved of all further representational duties to Mr. Beeson in this case.

IT IS FURTHER ORDERED that Mr. Beeson's motion for the appointment

of a designated representative to pass judgment (Doc. 62) is DENIED.

DATED THIS 2nd day of November, 2021.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive, flowing style. The first name "Dana" is written with a large, looped 'D'. The middle initial "L." is written with a small 'L' followed by a period. The last name "Christensen" is written in a similar cursive style. The signature is positioned above a horizontal line.

Dana L. Christensen, District Judge
United States District Court